IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Tr.P(C).No. 179 of 2007()

OPHMA.373/2007 of FAMILY COURT,KOLLAM
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PETITIONER:

MRS. CHITHRA P.KAMATH, AGED 29 YEARS,
D/O. PURUSHOTHAMA KAMMATH, GURUKULAM,
ALUNGAL HOUSE, KARANAKODAM, COCHIN-682 032.

BY ADV. SRI.K.R.MOHANAN

RESPONDENT:

MR. UMESH, S/O.V.RAJENDRA SHENOY,
AGED ABOUT 37 YEARS, ASWATHY, HOUSE NO.24,
VIDYA NAGAR, KOTTAKKAKOM WARD, KOLLAM WEST VILLAGE
KOLLAM-691 013.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN,J

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Tr.P.C.No.179 of 2007

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Dated this the 14th day of August, 2007

ORDER

The transfer petition is filed by the wife for transfer of O.P.373/2007 pending before the Family Court, Kollam to the Family Court, Ernakulam where divorce case O.P.875/2007 and a suit for return of money O.P.877/2007 is pending. The learned counsel for the transfer petitioner submits though the number of the case for restitution of conjugal rights O.P.373/2007, it is only filed after the wife has filed the divorce petition and it is only a counter blast to the proceedings initiated by the wife under the Hindu Marriage Act. Section 19 of the Hindu Marriage Act entitles the wife to choose the forum for divorce as her place of residence as well. So the intention is very clear to the effect that the wife should not be unnecessarily dragged on. Since the case involving major issues is pending before the Family Court, Ernakulam, I feel that the transfer has to be allowed therefore, O.P.373/2007 pending to be the Family Court, Kollam is transferred to the Family Court, Ernakulam for a trial along with O.P.875 and O.P.877/07 pending before the Family Court,

Ernakulam. Since I am disposing the matter on the admission stage itself the Family Court, Kollam is directed to intimate the petitioner in O.P.373/2007 regarding the transfer.

M.N.KRISHNAN,JUDGE

dvs